UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,610	02/29/2000	Kenichi Ohta	1272.C0397	1685

5514	7590	03/09/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
PARK, CHAN S

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/515,610	OHTA ET AL.
	Examiner	Art Unit	
	CHAN S PARK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,9-15,18,31,33 and 38-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9-15,18,31,33 and 38-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/04

has been entered.

Response to Amendment

2.   Applicant's amendment was received on 11/2/04, and has been entered and

made of record. Currently, **claims 1-5, 9-15, 18, 31, 33 and 38-40** are pending.

Response to Arguments

3.   Applicant's arguments with respect to **claims 1-5, 9-15, 18, 31, 33 and 38-40**

have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 9-15, 18, 31, 33 and 38-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Banton U.S. Patent No. 6,048,117 in view of Toda U.S. Patent

No. 6,256,107.

4.   With respect to claim 1, as set forth in the previous Office action dated 7/29/04,

Banton discloses (col. 3, lines 45-56) a system (fig. 1) whereby a plurality of devices

(scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and calibration

server 80) are connected to a network 10, the system includes a pattern output means

(printer 45 or MFD 15) for causing the selected image output apparatus to output a

predetermined test patter, as taught by Banton to calibrate a device a user initiates

calibration by requesting either device to generate an electronic test pattern 100. The

test pattern 100 includes a plurality of color patches 105 in response to an input color

pattern. As shown in fig. 2, (col. 4, lines 6-38) the printer prints the color pattern and

coded data, the printed matter is then subjected to either scanner on the MFD 15 or

scanner 70, at this point the correction generation means for generating correction data

for the particular apparatus is done through the calibration server 80. The calibration

server sends calibrated data to the particular device through the network and the device

is updated accordingly (col. 4, lines 39-60).

Banton, however, as currently amended, does not disclose expressly search

means for searching a plurality of image output apparatuses connected to the network,

obtaining mean for obtaining a state of each image output apparatus, and operation

means for displaying a plurality of searched image output apparatuses and a state of

each searched image output apparatus, and for inputting a user instruction according to

the displayed states for selecting an image output apparatus, for which calibration is

performed, from the displayed plurality of image output apparatuses.

Toda, the same field of endeavor of the network communication between copiers

and printers, discloses a network copying machine (fig. 3) comprising:

a network interface for connecting said copying machine to a network (fig. 10);

search means for searching a plurality of image output apparatuses connected to

the network (col. 19, lines 2-19);

obtaining mean for obtaining a state of each image output apparatus (col. 15,

lines 53-67); and

operation means for displaying a plurality of searched image output apparatuses

and a state of each searched image output apparatus, and for inputting a user

instruction according to the displayed states for selecting an image output apparatus

(col. 15, lines 53-67), for which printing of image data is performed, from the displayed

plurality of image output apparatuses (col. 16, lines 18-25); and

image output means for causing the selected image output apparatus to print the

image data (figs. 2 & 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include the obtaining means and the operation means of Toda in the calibrating system of Banton.

The suggestion/motivation for doing so would have been to confirm, before initiating the actual calibration of a printer, whether any of the network printers, which are to be calibrated, are in the unavailable state (col. 15, lines 57-59 of Toda).

Moreover, it would have been obvious to one of ordinary skill in the art to include a printer in the scanning device 70 of Banton.

The suggestion/motivation for doing so would have been to provide a copying and printing function in the scanning device 70 of Banton.

Therefore, it would have been obvious to one combine Banton with Toda to obtain the invention as specified in claim 1.

5.   With respect to claim 2, Banton discloses the system, wherein said setting means registers the data generated by said correction data generation means in the image output apparatus through the network (col. 4, lines 39-60).

6.   With respect to claim 3, Banton discloses the system, whereby a plurality of devices (scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and calibration server 80) are connected to a network 10, the system includes a pattern output means (printer 45 or MFD 15) for causing the selected image output apparatus to output a predetermined test patter, as taught by Banton to calibrate a device a user initiates calibration by requesting either device to generate an electronic test pattern

100. Banton does not explicitly disclose that any of the devices are electro-graphic

printers whereas, Toda discloses that the network printers are digital copiers.

7.   With respect to claim 4, Banton discloses the system, whereby a plurality of

devices (scanner 70, MFD 15 (which is interpreted to be a copier), printer 45, and

calibration server 80) are connected to a network 10, the system includes a pattern

output means (printer 45 or MFD 15) for causing the selected image output apparatus to

output a predetermined test patter, as taught by Banton to calibrate a device a user

initiates calibration by requesting either device to generate an electronic test pattern

100. Toda discloses each of the copiers is a digital copier. Toda does not disclose

expressly a specific utilization of an inkjet printer. Banton specifically teaches (col. 3,

lines 29-30) that other types of color printing devices may be included, and that the

system is related to devices such as MFD and plotters of which an inkjet printer is

included in that class. Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention was made to include/use an inkjet printer in the

system of Banton.

8.   With respect to claim 5, Banton discloses the system, wherein the predetermined

test pattern includes a plurality of patterns each of which consists of a plurality of units

for reading, each unit differing in an image output condition, and units having the same

image output condition between the plurality of patterns have different relative positions

in the predetermined test pattern (color patches 105 in fig. 1).

9.   With respect to claims 9 and 10, Banton discloses a system wherein said pattern

output means that allows for a plurality of image output apparatuses to be selected by

said selection means to output the test patterns and respective identification information

for identifying the image output apparatus outputting said test pattern, together (col. 3,

lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made that if the user so wanted to could cause multiple times

to print out test patterns simultaneously. Further, Banton teaches (column 3, lines 19-

44) that a plurality of devices can be in connection with each other and that the system

is only a small representation, it would have been obvious that amount of devices that

can be connected to a network is up to a system administrator, and in the case of

Banton that both the printer and MFD can be caused to print out test patterns. Banton

details in column 3, lines 54-67 and column 4, lines 1-5, that identification coded data is

generated for each test pattern.

10.   With respect to claim 11, Banton discloses the system, wherein said correction

data generation means specifies an image output apparatus according to the

identification information and controls an image output condition of the image output

apparatus specified (col. 3, lines 54-67 & col. 4, lines 1-5).

11.   With respect to claim 12, Banton teaches (col. 5, lines 20-31) that with the

identification data 110 associated with a calibration print 100, the calibration process

can identify which device printed the calibration print 100, what test pattern was printed,

what an optimal output pattern should be, what format the color correction data should

be in, and where to send the color correction data. The identification data 110

eliminates the need for a user to be involved in the recalibration process. Even in the

scanning process, having the identification data 110 on the calibration print 100, a

scanner can unambiguously scan the calibration print 100 and know the type and location of color patches it is looking for. It would have been obvious to one of ordinary skill in the art at the time the invention was made that with the ability scan the test sheet without user intervention and be able to identify the particular device on the network from the coded information that a stack of test pattern can be scanned simultaneously without user intervention.

12.   With respect to claims 13 and 14, Banton teaches (col. 4, lines 61-67 & col. 5, lines 1-3) that the coded identification data is coded in a binary format using glyphs, which is a type of bar-coded information. Further, Banton details that nay series or combination of alphanumeric or graphic symbols may be used to encode the identification data 110.

13.   With respect to claim 15, Banton discloses the system wherein the identification information includes a network address of the image output apparatus connected to the network (col. 3, lines 54-67 & col. 4, lines 1-5).

14.   With respect to claim 18, Banton shows the devices on a network and that specifically teaches to select a device on the network and that unit is updated after calibration, Banton does not specifically teach a display on the MFD and being able to select a device on the network through the display.

     Toda, as set forth above in claim 1, teaches the method of selecting an image output apparatus from the displayed list (col. 16, lines 18-25).

15.   With respect to claim 31, arguments analogous to those presented for claim 1, are applicable.

16.   With respect to claim 33, Toda teaches the image processing method wherein

the plurality of image output apparatuses connected to the network to output respective

predetermined image data at the same time (col. 16, lines 18-25 & col. 23, lines 7-18).

        Banton teaches the method for specifying a relationship between the outputted

predetermined test pattern and the image output apparatus outputting the

predetermined test pattern (col. 3, lines 45-61) and the method for controlling the

respective image output conditions of the plurality of image output apparatuses, based

on the specified relationship and data of the predetermined test pattern read by the

image reading means (col. 4, lines 40-61).

17.   With respect to claim 38, arguments analogous to those presented for claim 1,

are applicable.

18.   With respect to claim 39, arguments analogous to those presented for claim 1,

are applicable.

19.   With respect to claim 40, arguments analogous to those presented for claim 1,
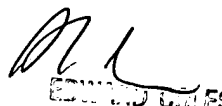
are applicable.

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to CHAN S PARK whose telephone number is (703) 305-
2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
March 3, 2005